

**WISHA ADVISORY COMMITTEE (WAC)
MEETING MINUTES
February 13, 2008
L&I Headquarters, Room S117**

Members Present: Sharon Ness, United Staff Nurses Local 141; Tom Egan, Board of Industrial Insurance Appeals; Ed Wood, Jr., Communication Workers of America Local 7818; Vaughn Mowery, Safeway, Inc.; Tim Gottberg, GLY Construction; Claude Golden, Boeing Company; Randy Loomans, International Union of Operating Engineers Local 302 and Steve Cant, Department of Labor & Industries.

Members Not Present: Bob Abbott, WA and Northern Idaho District Council of Laborers and Michael Roozen, Washington Bulb Company.

Guests: Gregory Chryst, OSHA Region X; Donovan Quebedeaux, Building Industry Association of Washington; Veneta Runnion, University of Washington; Nikki Cross, Washington Self-Insured Association; Tom Odegaard, Evergreen Safety Council.

Staff Present: Beth Hoffman, Barbara Silverstein, Mel James, Dan McMurdie, Bruce Zeller, Ken Mettler, Xenofon Moniodis, Jenifer Jellison, Bruce Terrell, Chuck Hitchings, Susan Campbell, Bonnie Compton.

Recorder: Gerald Franks

Opening Remarks – Steve Cant

Legislation

- HB2941, Fees for Explosive Licenses, which is DOSH request legislation, has passed out of the House and is awaiting a hearing in the Senate.
- Several other bills DOSH is monitoring include SB6852 which would create a mold and toxins (in households or dwellings) task force which includes representation by multiple stakeholders including L&I and HB3167 which would create a work group to evaluate environmental health conditions in state office buildings.
- Randy Loomans said she is assisting in the development of a bill that would create legal redress for workplace bullying (HB2142). The bill would only apply to state agencies.

Rule Activity Update

- The outdoor heat related illness rule will be filed on February 20, 2008
- The certification of crane inspectors and crane operator qualifications proposal will be filed in May 2008. DOSH rigging rules are also being updated to meet new requirements. The first phase of stakeholder meetings went very well. Randy Loomans thanked DOSH staff for their work on the rule and meetings.
- The update to the fall protection rules will be filed on June 3, 2008.
- The hospitalization rule is being amended to provide equal protection to all employees and all industries are now required to report the hospitalization of one employee instead of two or more. The change is in its final stages and will be effective on April 1, 2008.

SHARP Update – Barbara Silverstein

The following SHARP reports and informational material were distributed and summarized (available at the SHARP website www.lni.wa.gov/safety/research):

- Violence in Washington Workplaces 2000-2005: claim rates for psychiatric and substance abuse hospitals are increasing after dropping for a long period while claim rates at other care facilities have been flat over the same time period.
- A nine-year report on work-related musculoskeletal disorder (MSDS) industry trends: the majority of injuries are occurring in the construction industry.
- Trucking initiative information (tip sheets, etc): in addition to Washington, these are being distributed to various locations on the west coast by truckers. SHARP staff will be visiting various trucking sites in the near future to help develop control measures for MSDS's, falls, etc.

Diacetyl

Material distributed: Diacetyl Fact Sheet

A great deal of attention has been focused recently on the chemical diacetyl, used in cooking oils and butter substitutes, which imparts a buttery flavor to foods. There is increasing scientific evidence that links diacetyl exposure to a severe form of lung disease. Barbara said much is unknown regarding the toxicity of food flavorings and diacetyl, including how long the product has been used and harmful exposure levels. SHARP has produced a fact sheet along with other information (available at the SHARP website) for restaurant owners and workers to help reduce employee exposure to diacetyl. SHARP will begin conducting exposure assessments in several restaurants later in the spring.

Worker's Compensation Data

Material distributed: High Risk Industries Compensable Claims Data Sheet

The claims data sheet highlighted five major industry sectors (agriculture, construction, manufacturing, transportation/warehousing and health care) and seven accident types (caught, fall from elevation, fall same level, struck, vehicle, MSDS upper and MSDS lower) with various sources. For example under construction and the "caught" injury type is listed saws, power saw, power drill, etc. as sources. Barbara said the seven accident types account for 90% of claims costs. Several WAC members were concerned with the limited injury source categories available and "other" being checked for a majority of the accidents. They suggested that the workers' compensation form could be updated to give the department more accident sources and more site specific information. Steve Cant said that Industrial Insurance has just started the process of upgrading their outdated computer system and that there has been a problem getting good data information from self-insurance. Barbara suggested and several members concurred that it would be a good idea for the WAC to start meeting regularly with the Worker's Compensation Advisory Committee (WCAC) to discuss workplace injury and illness prevention, updating the accident form, etc. Steve said Bob Malooly has attended past WAC meetings and he would bring the WAC concerns and suggestions to the attention of Bob and Judy Schurke and discuss ways the committees could meet to discuss safety and health issues. Barbara asked the WAC to contact her if they would like more detailed information on certain claims data, jargon, etc. Steve said he would have the WAC provided with the most recent DOSH fall protection data for comment and suggestions.

Safety and Health Investment Projects (SHIP) Update – Ken Mettler

Material distributed: SHIP Advisory Committee member and program staff information

Rule making has been completed and the SHIP rule (WAC 296-900-175) was effective on February 8, 2008. The SHIP Advisory Committee (SAC) met for the first time on February 1 – SAC member information along with a project information database being developed will be posted soon on the SHIP website <http://www.lni.wa.gov/Safety/Topis/AtoZ/Grants>. The first grant applications are expected to start arriving in the next few weeks. The first press release announcing the SHIP program went out on February 8 and we have been working with our Public Affairs division on a marketing plan. There will be two funding periods: January 1 to June 30 and July 1 to December 31. Ken encouraged everyone to check out the website and submit feedback. Randy Loomans suggested that Ken's staff contact applicants from the old grant program that had their projects approved but not funded to see if they would like to re-submit. Ken agreed to this since we still have the applicant's contact information on file. Steve Cant added that once a grant project is approved by the SAC, funds will be distributed to the applicant as soon as possible.

Fraud Prevention and the Underground Economy – Carl Hammersburg

Material distributed: Fraud Program history/accomplishments, 2007 annual Fraud Program report to the Legislature, Guide to Hiring Independent Contractors in Washington State.

The Fraud Prevention & Compliance Program was created in 2004 by bringing several separate programs together. Legislative changes implemented in 2005 improved our ability to go after individuals or companies that owed L&I money. In 2006, we implemented an automated collection dialer system - software that assists in early contact and collection of outstanding debts, improved our online fraud reporting system and implemented a new Fraud construction compliance team who work night and weekends. Key developments in 2007 include replacing the Field Audit computer system that will allow us to do more audits and collect more money and hired a dedicated assistant attorney general to support criminal prosecutions. The Fraud Program is returning approximately \$10 for every dollar invested which has resulted in reduced rate increases.

This year, Fraud is participating in a legislative task force looking at the underground economy in construction that will include business and labor participation. L&I along with the Department of Revenue and Employment Security will be conducting a study of the impact of the underground economy on state revenue. We will look at firms that report to the IRS but not to the state, see if reported B&O and sales tax estimates are complete and whether unemployment and workers' compensation estimates are accurate. The task force members have drafted legislation this session to clarify the definition of a covered worker and to fund the task force until the end of 2008.

The contingent workforce or day labor is not a current area of focus for Fraud but we are aware of problems such as unregistered contractors, wage and hour issues and claims suppression. So far, we have included Casa Latina on the construction task force and a specialized project team may be formed in the future.

Carl said he is available to speak to business or labor groups, encouraged everyone to report new hires to the New Hire Register and report fraud when encountered to 1-888-811-5974, or visit the Fraud website www.fraud.lni.wa.gov.

Miscellaneous

- Steve mentioned that inspection targeting in the construction industry is under review. DOSH management are working hard to fill vacant inspector positions by emphasizing staff training and recruiting people from private industry. Time will be scheduled at the June meeting for more discussion on targeting.

- Tim Gottberg announced that he will be retiring from the committee later this year.
- A teleconference will be scheduled in April to discuss SHARP's workers compensation information and other data to identify areas of committee discussion and focus on worker safety and health.

Next Meeting - All

The next regular meeting of the WAC will be on June 11, 2008 from 9:00 a.m. to noon at L&I Headquarters, Room S117.

Proposed Agenda items (so far) for June:

- SHARP Update and Workers Compensation Data Discussion
- Targeting Discussion
- DOSH Rules and Legislation Update

Action Item(s) -

Bonnie Compton	Schedule committee conference call in April with DOSH/SHARP staff to identify areas of committee focus on worker safety and health.
----------------	---

With no other business to discuss, the meeting was adjourned.

Many individuals are sensitive to fragrances, colognes, scented lotions, etc. Please be courteous of respiratory sensitivities and do not wear fragrances to WISHA Advisory Committee meetings. Thank you.